

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF )  
INLAND BAYS PRESERVATION COMPANY, LLC )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE WASTEWATER ) PSC DOCKET NO. 08-WW-004  
SERVICES PURSUANT TO 26 DEL. C. §203D )  
(FILED APRIL 23, 2008) )

**PUBLIC NOTICE OF COMMISSION’S INTENT TO DENY**  
**APPLICATION FOR CERTIFICATE OF PUBLIC**  
**CONVENIENCE AND NECESSITY OF**  
**INLAND BAYS PRESERVATION COMPANY, LLC.**

**TO: INLAND BAYS PRESERVATION COMPANY, LLC**

On April 23, 2008, Inland Bays Preservation Company, LLC (“Inland Bays” or the “Company”) filed an application (“Application”) for a Certificate of Public Convenience and Necessity (“CPCN”) to provide wastewater services to 3 parcels of land located in Sussex County, Delaware.

On July 23, 2008 the Public Service Commission (“Commission”) received a letter from Sussex County (“County”) stating that one of the three parcels in the Application (Tax Parcel ID #234-23.00-270.00 ) was located in the County’s existing Long Neck Sanitary District and would need to be de-annexed from the Long Neck Sanitary District (“LNSSD”). Regarding wastewater CPCN applications, 26 *Del. C.* § 203D(b) states that “[a]ny wastewater utility shall not extend its territory into a service territory of a municipality, government agency or wastewater authority or district without the approval of such entity and then obtaining approval of a certificate of public convenience and necessity from the Commission under this section.” In addition, 26 *Del. C.* §§6001-3.1.5 and 3.1.6 require that the company file a complete list of county tax map parcel number(s) with the corresponding names and mailing addresses of the property owners for the area covered by the Application and also file copies of the tax map or maps with the proposed service territory clearly marked. Because one parcel in the Application must be removed, the Application does not currently include the correct or accurate information required by these regulations.

The Commission Staff (“Staff”) informed Inland Bays of the deficiency in its Application. Later the Company informed Staff that it was in negotiations with the County to correct the deficiency; however, the Company has not provided evidence that the original deficiency was ever corrected and that the one parcel was removed from its Application.

On or about April 1, 2013, Staff sent Inland Bays a letter via first-class mail, postage prepaid, to the Company’s address as set forth in the records of the Commission. This letter informed the

Company that if it did not take steps to correct and complete the Application within 15 days of the date of the letter, Staff would recommend that the Commission deny the Application for a CPCN. As of June 20, 2013, the Commission has not received a response from the Company.

Inland Bays has failed to provide the Commission with a complete and accurate application as required by Delaware law and the Commission's regulations. The Application is not complete and accurate because Inland Bays has not removed one parcel from the Application which must be removed because it is already included in the LNSSD. Because Inland Bays has failed to comply with the provisions of Delaware law and the Commission's regulations, the Commission intends to deny the Company's CPCN Application if the Company does not provide the Commission with a complete Application ***on or before July 5, 2013.***

The Commission will consider whether to deny the Application for a CPCN at the July 30, 2013 Commission meeting which will begin at 1:00 p.m. The meeting will be held in the Commission's office located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware 19904. The Commission will render a decision based upon the evidence presented to it at this meeting.